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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/648,575	08/25/2000	Brian D. Lesk	33081.0500	5787

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EXAMINER

NGUYEN, NGA B

ART UNIT	PAPER NUMBER
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3628

DATE MAILED: 08/30/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/648,575

Applicant(s)

LESK, BRIAN D.

Examiner

Nga B. Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 April 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3,4 and 6 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3,4 and 6 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This Office Action is in response to the Amendment filed on April 12, 2006, which paper has been placed of record in the file.
2. Claims 1, 3, 4, and 6 are pending in this application.

Response to Arguments/Amendment

3. Applicant's arguments with respect to claims 1, 3, 4, and 6 have been considered but are moot in view of new grounds of rejection.
4. Applicant's amendment necessitated the new grounds of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1, 3, 4, and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over the prior art disclosed in the applicant's Specification, in view of Swart, U.S. Patent No. 6,347,306.

Regarding to claim 1, the prior art discloses a system for administering employee funds, system comprising:

a personal financial service provider configured to communicate with worksite employer, said personal financial service provider including a data center configured to store financial data associated with the employee, and configured to calculate a payroll disbursement, wherein said personal financial service provider is configured to receive the employee funds directly from worksite employer based on said calculated payroll disbursement and configured to disburse the employee funds to third parties prior to allowing the employee to disburse funds (page 1, line 26-page 2, line 6; page 4, line 19-page 5, line 7, a Professional Employer Organization (PEO) receives gross payroll and fees from the worksite employer and, after paying taxes, withholding, and the like, provide the net payroll amount to the worksite employer's employees);

said personal financial service provider configured to administer at least one benefits program associated with the employee (page 5, lines 1-2, the PEO handles

unemployment and workers' compensation insurance, as well as any associated claims or audits and offers employee benefits).

The prior art does not disclose an access point configured to interface with an employee, the employee associated with a worksite employer having an obligation to remit said employee funds to the employee and the personal financial service provider configured to communicate with said access point over a network. However, Swart discloses an access point configured to interface with an employee, the employee associated with a worksite employer having an obligation to remit said employee funds to the employee and the personal financial service provider configured to communicate with said access point over a network (figure 2, item 250; column 7, lines 44-47 and column 14, lines 20-25; each employee is provided with on-line access to securely log onto a website associated with the banking computer system 250 to check on and verify the provision of the net work segment pay to the employee's bank account; employer associated with the employee remits salary to the employee's bank account). Moreover, it is well known in the art that the client can access the client's account over the Internet. For example, with the convenient of the Internet, many personal financial service providers (e.g. banks, credit card companies, etc.) allow their clients to access clients' accounts over the Internet. Therefore, it would have been obvious to one with ordinary skill in the art at the time the invention was made to modify the prior art to adopt the teaching of Swart and the well-known feature above for the purpose of providing more convenient to the employees to access the employees' accounts over the Internet.

Moreover, the prior art does not disclose personal financial service provider is configured to **electronically** receive the employee funds directly from worksite employer and **electronically** disburse the employee funds to third parties. However, electrically receiving and disbursing funds is well known in the art. Therefore, it would have been obvious to one with ordinary skill in the art at the time the invention was made to modify the prior art to incorporate the well-known feature above for the purpose of providing more convenient and time consuming for the PEO to receive funds from the employers and disburse funds to the employees by electronically.

The prior art does not disclose personal financial service provider configured to interface with the employee to provide *at least one of: direct purchase items from at least one of said third parties*, direct purchase of travel services, or direct purchase of investment instruments. However, Swart discloses personal financial service provider configured to interface with the employee to provide *at least one of: direct purchase items from at least one of said third parties* (column 12, lines 15-23; the bank advertises new services and products to its customers). Swart does not disclose the items come from one of the third parties. However, Official Notice is taken that it is old and well known in the art that advertising goods and services on behalf of third parties over the Internet. For example, the famous yahoo.com website advertises goods/services on behalf of merchants, the website contain links or logos of various merchants so the user can click on a link to select a merchant to direct purchase good or services from that merchant. Therefore, it would have been obvious to one with ordinary skill in the art at the time the invention was made to modify the prior art to adopt the teaching of Swart

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and the well-known feature above for the purpose of allowing the PEO to make profit by advertising goods/services on behalf of merchants.

Regarding to claim 3, the prior art does not disclose wherein the fee is a percentage of a gross payment amount associated with the employee. However, Official Notice is taken that charging a fee is equal to a percentage of a payment amount is well known in the art. For example, when a customer makes a funds transfer from the customer's checking account to the other person's account, the bank debit a fee equal to 3% of the amount of funds transferred from a client's checking account. Therefore, it would have been obvious to one with ordinary skill in the art at the time the invention was made to modify the prior art to adopt the well-known feature above for the purpose of allowing the PEO to make profit by collecting service fee when performing service on behalf of an employer.

Regarding to claim 4, the prior art further discloses the personal financial service provider pays, for employee, federal taxes associated with the employee funds (page 5, lines 1-2, the PEO pays the state and federal payroll taxes).

Regarding to claim 6, the prior art does not disclose wherein said access point includes a Web-based interface. However, Swart discloses wherein said access point includes a Web-based interface (column 7, lines 44-47; employee can check the bank account on-line via a web browser). Therefore, it would have been obvious to one with ordinary skill in the art at the time the invention was made to modify the prior art to adopt the teaching of Swart for the purpose of providing more convenient to the employees to access the employees' accounts over the Internet.

Conclusion

7. Claims 1, 3, 4, and 6 are rejected.
8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to examiner Nga B. Nguyen whose telephone number is (571) 272-6796. The examiner can normally be reached on Monday-Thursday from 9:00AM-6:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hyung S. Sough can be reached on (571) 272-6799.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (571) 272-3600.

9. Any response to this action should be mailed to:

Commissioner of Patents and Trademarks
C/o Technology Center 3600
Washington, DC 20231

Or faxed to:

(571) 273-8300 (for formal communication intended for entry),

or

(571) 273-0325 (for informal or draft communication, please label "PROPOSED" or "DRAFT").

Hand-delivered responses should be brought to Knox building, 501 Dulany Street, Alexandria, VA, First Floor (Receptionist).

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A handwritten signature in cursive script that reads "Nga Nguyen".

NGA NGUYEN
PRIMARY EXAMINER

June 21, 2006